
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UTAH VAPOR BUSINESS ASSOCIATION
INC., *et al.*,

Plaintiffs,

v.

STATE OF UTAH, *et al.*,

Defendants.

**ORDER GRANTING PRELIMINARY
INJUNCTION**

Case No. 2:24-cv-00950-DBB-JCB

Judge David Barlow

Magistrate Judge Jared C. Bennett

Plaintiffs Utah Vapor Business Association, Inc., and The Smoke House, LLC, have demonstrated that the Inspection Program provided for in Utah’s Electronic Cigarette Amendments¹ is likely to violate their Fourth Amendment rights.² However, Plaintiffs have not shown that the State of Utah, Governor Spencer Cox, Attorney General Derek Brown, the Utah Department of Health and Human Services, Tracy S. Gruber, and the Utah State Tax Commission (collectively “Defendants”) should be enjoined from enforcing the remaining portions of the Electronic Cigarette Amendments.³ Accordingly, the court hereby enters a Preliminary Injunction as follows:

- (1) That Defendants and their agents, servants, employees, and persons in active concert or participation with them shall not enforce Utah Code § 26A-1-131 (1)(a)-(d). Defendants

¹ [2024 Utah Laws Ch. 470 \(S.B. 61\)](#).

² *See* Order Granting in Part Motion for Temporary Restraining Order and Preliminary Injunction, ECF No. 55, filed Mar. 24, 2025.

³ *See* Order Denying in Part Motion for Temporary Restraining Order and Preliminary Injunction, [ECF No. 44](#), filed Feb. 13, 2025.

are enjoined from making inspections or examinations as provided by this section of the Act.

- (2) That this Preliminary Injunction shall be, and is, binding upon each Defendant, and each of their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them.

Defendants are not enjoined from enforcing any other provision of the Electronic Cigarette Amendments, including the Flavor Sales Ban.

Signed March 24, 2025.

BY THE COURT



David Barlow
United States District Judge